

SERVICE DATE - AUGUST 24, 2001

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423****ENVIRONMENTAL ASSESSMENT****DOCKET NO. AB-565 (Sub. No. 1X)****New York Central Lines, LLC – Abandonment Exemption –
in Middlesex County, Massachusetts****BACKGROUND**

In this proceeding, New York Central Lines, LLC (NYC), and CSX Transportation, Inc. (CSXT), (collectively, applicants) jointly filed a notice of exemption under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 for NYC to abandon and CSXT to discontinue service over a portion of a line of railroad known as the Albany Division, Fitchburg Subdivision in Middlesex County, Massachusetts.¹ The portion of the rail line proposed for abandonment and discontinuance spans 4.80 miles from milepost QBS 0.00 at Framingham to milepost 4.80 at South Sudbury (the line).² A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to the applicants, the one rail patron on the line no longer requires rail service over the line, because it has closed its Sudbury, Massachusetts distribution yard. Applicants state that wood products have been the main commodity transported over the line in recent years.

The line extends north from Framingham to the end of the line at South Sudbury. The right-of-way of the line varies between 30 and 49 feet from the center of the track.

¹ This case embraces STB Docket No. AB-55 (Sub. No. 593X), CSX Transportation, Inc. – Discontinuance of Service Exemption – in Middlesex County, Massachusetts.

² CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail, Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

ENVIRONMENTAL REVIEW

The applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Comments have been received from the Natural Resources Conservation Service stating that the proposed abandonment would not adversely impact agricultural resources.

Comments have been received from the U.S. Fish and Wildlife Service stating that there are no federally-listed or proposed threatened or endangered species in the area of the proposed abandonment.

Comments have also been received from the Massachusetts Historical Commission stating that the proposed project would likely not affect significant historic or archeological resources.

Comments have been received from the Massachusetts Coastal Zone Management Office stating that the proposed abandonment is not within the boundaries of the Massachusetts Coastal Zone.

Water Quality

Applicants state that “[u]pon receiving abandonment and discontinuance of service authority, removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.”

Land Use

The Framingham Planning & Economic Development has submitted comments stating that the line “is mentioned as a potential Rail Trail in the Greater Callahan Open Space Preservation and Greenway Plan.”

The Boston Metropolitan Planning Organization has submitted comments stating that the

line is being considered as part of several proposed rail trail plans.

The Town of Sudbury has requested that the Surface Transportation Board place a public use condition on the abandonment.

CONDITIONS

We recommend that no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-565 (Sub-No. 1X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh at (202) 565-1539.

Date made available to the public: **August 24, 2001.**

Comment due date: September 24, 2001 (30 Days)

By the Board, Victoria J. Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

MAP NEEDS TO BE SCANNED.